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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,507

02/05/2004

Taejoon Kwon

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EXAMINER

ZHOU, SHUBO

ART UNIT

PAPER NUMBER

1631

NOTIFICATION DATE

DELIVERY MODE

03/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/773,507</p>	<p>Applicant(s) KWON, TAEJOON</p>	
	<p>Examiner SHUBO (Joe) ZHOU</p>	<p>Art Unit 1631</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 1,2,4-7,9-12 and 15.
Claim(s) rejected: 1,2,4-7,9-12 and 15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/SHUBO (Joe) ZHOU/
Primary Examiner, Art Unit 1631

Continuation of 11:

The amended independent claims 1, 7, and 12 are objected to because each thereof contains two periods at the end. Their independent claims are objected to for being dependent therefrom.

Regarding the rejection of claims 1-2, 4-7, 9-12, 15 under 35 USC 103(a), applicant's arguments have been fully considered but they are not persuasive. The argument is mainly on the ground that Benson et al. is silent with respect to at least a location estimation unit, and the Office fails to provide evidence documenting that Benson does in fact disclose a unit performing elements of determining a reference group, etc. See page 9 of 11 of the response filed 2/11/09. In summary, the arguments are focused on that Benson does not disclose the "unit" for performing the functions recited in the claims. This is not found persuasive. With regard to the location estimation unit, as set forth in the previous Office action, mailed 12/12/08, on page 4, Benson et al. disclose displaying the location of the query/target sequence in the various database record sequences in the form of alignments. It would have been readily apparent and/or obvious to one having ordinary skill in the art that in order to display the locations, the GenBank system disclosed by Benson et al. must have contained a unit to determine or at least estimate the locations. As to applicant's assertion that the Office fails to provide evidence that Benson disclose a unit performing the claimed elements, it is found unpersuasive because while the Office does not dispute that Benson does not explicitly disclose these units, as so stated in the previous Office action, the Office indicated that Benson discloses the related functions performed. Again, it has been the Office's position that if the GenBank system disclosed by Benson et al. performs a particular function, it would have been readily apparent and/or obvious to one having ordinary skill in the art that the system must have contained a unit performing such a function.